

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRUNILDA RODRIGUEZ,
Plaintiff,

v.

**MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,**
Defendant.

CIVIL ACTION

NO. 12-5745

ORDER

AND NOW, this 27th day of January, 2014, upon consideration of Plaintiff's Motion for Summary Judgment or, in the Alternative, Plaintiff's Motion for Remand (Document No. 8, filed January 26, 2013), Defendant's Response to Request for Review of Plaintiff (Document No. 9, filed February 28, 2013), and Plaintiff's Reply Brief (Document No. 10, filed March 9, 2013), after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge dated October 29, 2013 (Document No. 13) and Plaintiff's Objection to the Report and Recommendation of the Magistrate Judge (Document No. 14, filed November 2, 2013), for the reasons stated in the Memorandum dated January 27, 2014, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge David R. Strawbridge dated October 29, 2013 is **REJECTED**;
2. Plaintiff's Objection to the Report and Recommendation of the Magistrate Judge is **SUSTAINED**; and
3. Plaintiff's Alternative Motion for Remand is **GRANTED** and the case is **REMANDED** to the Commissioner of Social Security pursuant to the fourth sentence of 42 U.S.C. § 405(g) to conduct a borderline age analysis in accordance with the attached Memorandum.

4. Plaintiff's Motion for Summary Judgment is **DENIED**.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.